

FILED

AUG 27 2019

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CRAIG MATOSICH,

Plaintiff,

vs.

WRIGHT MEDICAL GROUP, INC.,
WRIGHT MEDICAL
TECHNOLOGY, INC., and DOES 1–
10,

Defendants.

CV 19–16–M–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on July 17, 2019, recommending that the grant Defendant Wright Medical Group, Inc.’s motion to dismiss for lack of jurisdiction. (Doc. 34.) Plaintiff Craig Matoshich failed to timely object to the Findings and Recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews for clear error those findings and recommendations to which no party objects. *See Thomas v. Arn*, 474 U.S. 140, 149–53 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been made.” *Wash. Mut., Inc. v. United States*, 856

F.3d 711, 721 (9th Cir. 2017) (citation omitted).

Having reviewed the Findings and Recommendations (Doc. 34), the Court finds no clear error in Judge Lynch's recommendation to dismiss Wright Medical Group without prejudice. Matosich has not met his burden of showing that either general or specific personal jurisdiction exists over Wright Medical Group. However, because Matosich's claims against Wright Medical Technology survive, he may later discover evidence supporting jurisdiction and amend his complaint to once again include claims against Wright Medical Group.

Accordingly, IT IS ORDERED that:

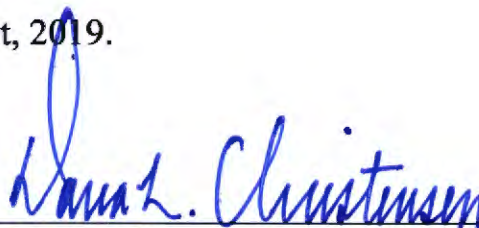
(1) Judge Lynch's Findings and Recommendation (Doc. 34) is ADOPTED

IN FULL; and

(2) Defendant Wright Medical Group's motion to dismiss (Doc. 16) is

GRANTED. Plaintiff Craig Matosich's claims against Wright Medical Group are DISMISSED WITHOUT PREJUDICE.

DATED this 27th day of August, 2019.



Dana L. Christensen, Chief Judge
United States District Court